



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

|  |             |                      |                                |                  |
|--|-------------|----------------------|--------------------------------|------------------|
| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.            | CONFIRMATION NO. |
| 10/535,077   | 05/13/2005  | Neil Graham Jenkins  | ENL-351-A                      | 1895             |
| 48980  | 7590        | 01/10/2007           |                                |                  |
| YOUNG & BASILE, P.C.<br>3001 WEST BIG BEAVER ROAD<br>SUITE 624<br>TROY, MI 48084 |             |                      | EXAMINER<br>SWINEHART, EDWIN L |                  |
|  |             |                      | ART UNIT                       | PAPER NUMBER     |
|  |             |                      | .3617                          |                  |
| SHORTENED STATUTORY PERIOD OF RESPONSE   |             | NOTIFICATION DATE    | DELIVERY MODE                  |                  |
| 3 MONTHS   |             | 01/10/2007           | ELECTRONIC                     |                  |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 01/10/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@youngbasile.com  
audit@youngbasile.com

**Office Action Summary**

Application No.

10/535,077

Applicant(s)

JENKINS, NEIL GRAHAM

Examiner

Ed Swinehart

Art Unit

3617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21, 23 and 24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21, 23 and 24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☒ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____.  | 6) <input type="checkbox"/> Other: ____.                          |

### DETAILED ACTION

1. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Great Britain on 13 November 2002. It is noted, however, that applicant has not filed a certified copy of the document application as required by 35 U.S.C. 119(b).

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 16 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Applicant claims the adaption to be inflated, yet fails to disclose how such a keel is so adapted. Without complete and adequate disclosure of the invention, one of ordinary skill in the art could not make and/or use the invention.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-10,13-15,23 and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Madison.

Madison discloses the claimed invention, including an elongate keel member having a mounting formation on the upper end for slidable mating with a mounting formation on the hull underside. The keel is constructed of a plastic material, and therefore is inherently compressible upwardly upon impact. A "tip" is provided throughout the length.

Re claims 2 and 7, even though Madison teaches the extrusion of the keel and its respective mounting element, such is method of making, carrying no weight in the claims.

6. Claims 1-3,5,12,15 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Glass.

Glass provides a rubber extruded keel element as claimed. The upper rounded portion constitutes the "mounting formation", for replaceable mounting within a complimentary hull channel. Glass discusses a foam-filled embodiment.

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Madison in view of Denker.

Madison fails to disclose the canoe being amphibious.

Denker teaches same.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide for the amphibious operation of the canoe of Madison as taught by Denker.

Such a combination would have been desirable so as to permit ease in handling on land.

9. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Madison in view of Denker.

Madison and Denker are combined as above.

10. Claims 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Madison in view of Denker as applied to claim 19 above, and further in view of Honatzis.

Madison fails to disclose a cap.

Honatzis teaches a "tip" for closing a channel, and a cap **34** extending thereover.

It would have been obvious to one of ordinary skill in the art at the time of the invention to close the end of the open channel of Madison with a tip and cap as taught by Honatzis.

Such a combination would have been desirable, so as a smooth transition between hull and keel is provided. Construction of the cap from metal would have been within the level of skill of the ordinary routineer working in the art, and therefore obvious.

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

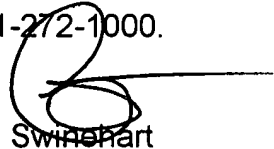
Schad teaches slidably inserted members retained in place by a metal cap.

Fries teaches an inflatable keel.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ed Swinehart whose telephone number is 571-272-6688. The examiner can normally be reached on Monday through Thursday 6:30 am to 2:00 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Ed Swinehart  
Primary Examiner  
Art Unit 3617